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Attorney for Defendant **Aguilar-Pedrasa**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HON. DANA M. SABRAW)**

UNITED STATES OF AMERICA,) Case No. 08-CR-1444-DMS

Plaintiff,) Date: September 12, 2008
) Time: 11:00 a.m.

TO: KAREN L. HEWITT, UNITED STATES ATTORNEY, and
AARON CLARK, ASSISTANT UNITED STATES ATTORNEY

PLEASE TAKE NOTICE that on Friday, September 12, 2008, at 11:00 a.m., or as soon thereafter as counsel may be heard, the defendant, Jose Alfredo Aguilar-Pedrasa, by and through his counsel, Robert L. Swain, will move this Court to grant the above-entitled motions.

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MOTIONS

The defendant, Jose Alfredo Aguilar-Pedrasa, by and through his counsel, Robert L. Swain, and pursuant to Rules 6(e), 12, and 16 of the Federal Rules of Criminal Procedure and the Fourth, Fifth and Sixth Amendments to the United States Constitution, and all applicable local rules, hereby moves this court to

- 1) dismiss the indictment; and
- 2) leave to file further motions

These motions are based upon the attached memorandum, the files and records in the above-captioned matter, and any and all other evidence brought before this court before or during the hearing on this motion.

Respectfully submitted,

Dated: August 14, 2008

/s/ Robert L. Swain
ROBERT L. SWAIN
Attorney for Defendant